

**Remarks/Arguments:****I. Status of the Claims**

Claims 2 and 3 have been amended. Claims 1 to 15 remain pending and under examination in the application.

**II. Provisional Nonstatutory Obviousness-Type Double Patenting Rejection**

Claims 1 and 9-12 have been provisionally rejected on the basis of nonstatutory obviousness-type double patenting over claims 1, 4-6 and 9 of copending Application No. 10/646,362. This is a provisional rejection because the claims in the copending application have not been allowed; thus, no patent has been issued based on this subject matter. It is therefore clear that such a double patenting rejection in the present application is inappropriate at this point in time and reconsideration and allowance of all the claims pending in the present application are respectfully requested.

**III. Rejection under 35 U.S.C. §112, Second Paragraph**

Claims 2-4 have been rejected as allegedly indefinite under 35 U.S.C. §112, second paragraph. The Examiner based this rejection on the use of the phrase "less than about" which had appeared in claims 2 and 3. However, in view of the above-noted amendments to these claims and since the offending phrase is no longer present in any of claims 2-4, Applicants respectfully submit that the rejection has been obviated and should therefore be withdrawn.

#### IV. Conclusion

Since the remaining claims in this application (namely, claims 5-8 and 13-15) are deemed by the Examiner to be directed to patentable subject matter, Applicants submit that all the claims are now in condition for allowance. If, however, any issues still remain, the Examiner is invited to contact one of Applicants' legal representatives at the telephone number shown below in order to discuss and overcome any remaining objections.

Respectfully submitted,



Christopher R. Lewis, Reg. No. 36,201  
Stephen D. Harper, Reg. No. 33,243  
Attorneys for Applicant

CRL/SDH/ams

Dated: December 18, 2009

P.O. Box 980  
Valley Forge, PA 19482  
(610) 407-0700

The Director is hereby authorized to charge or credit Deposit Account No. 18-0350 for any additional fees, or any underpayment or credit for overpayment in connection herewith..

594975